

8-7-06

PAC 8/25



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: **John G Apostolopoulos et al**
Serial No: **09/784,226**
Filed: **02/16/2001 (01/19/2001)**

Group Art Unit: **2661**
Examiner:
Confirmation No: **2518**

Title: **METHOD AND SYSTEM FOR PACKET COMMUNICATION EMPLOYING PATH DIVERSITY**

Attorney Docket: **10006736-1**

PETITION TO SECURE FILING DATE BY CORRESPONDENCE DELIVERED VIA EXPRESS MAIL UNDER 37 CRF 1.10

Sir:

1. Applicant petitions that the above-identified patent application be accorded the filing date of January 19, 2001, the date upon which the papers were sent to the US Patent Office via Express Mail. The Express Mail mailing label EJ764218000US is included as Exhibit A. The date in: is 1-19-01.
2. Enclosed please find a copy of the first page of the transmittal (Exhibit B) of the above-identified patent application. The first page of the transmittal includes an Express Mail Certification which notes a date of deposit of 1/19/01.
3. Enclosed please find a copy of the Return Postcard (Exhibit C) for the patent application. The Return Postcard notes the Express Mail mailing Label EJ764218000US and a filing date of 1/19/01. The date in: on the postcard that was entered by the US Patent Office is 2/16/01.
4. Applicant's submission is timely as Applicant only became aware of the error on 7/18/06 when responding to a Japanese office action for the Japanese counterpart of this application. The inventor pointed out that the reference cited was actually published after the filing date of the application. Upon closer observation, I noticed that the filing date on the

Adjustment date: 10/23/2006 CKHLOK
08/07/2006 YPOLITE1 00000071 082025 09784226
01 FC:1462 400.00 CR

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01 FC:1462 400.00 DA

postcard from the PTO (Exhibit C) and the filing receipt (Exhibit D) for the US case was incorrect.

The Patent Office is hereby authorized to charge the petition fee of \$130.00 set forth in 37 C.F.R. 1.17(h) to deposit account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any over payment to deposit account 08-2025 pursuant to 37 C.F.R. 1.25.

Respectfully submitted,

By Denise A. Lee

Denise A Lee

Reg. No. 35,931

Dated: 8/3/06

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UNITED STATES PATENT & TRADEMARK OFFICE
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REQUEST FOR PATENT FEE REFUND					
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